THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18211 of 2005

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Dated: 18.08.2005

Between:

K.Satish Kumar, s/o K.K.Rao,
R/o Plot No.253, Sathavana Hills,

Opp:KPHB, Kukatpally, Hyderabad.

..... PETITIONER

AND

Government of A.P., represented by its Principal Secretary,
Revenue (UC.II) Department, Secretariat, Hyderabad and others.

… **RESPONDENTS**

ORDER:

Seeking a writ of mandamus declaring the action of the respondents in issuing the proceedings in Ref.No.F1/6492/96, dated 03.08.2005, whereunder the second respondent directed the petitioner to regularize his plot/house vide G.O.Ms.No.455, Revenue (UC.II) Department, dated 29.07.2002 on payment of regularization fee and also enhanced rates of 100 per cent with effect from 16.08.2005 as arbitrary and illegal, the petitioner filed this writ petition.

The case of the petitioner is that he purchased a plot bearing No. 253 admeasuring 220 square yards along with the house constructed thereon forming part of Sy.Nos.

148, 158, 159, 160 and 161 of Shatavahana Nagar, Kukatpally village, Balanagart Manda, Ranga Reddy District on 05.07.2003 under registered document and has been in possession and enjoyment of the property paying municipal taxes. It is further stated that the petitioner was informed by proceedings dated 3.8.2005 that an extent of Ac.40.27 guntas in the above survey numbers has been declared as surplus land in terms of GO Ms. No. 251 Revenue (UCII) Department dated 03.03.2005 and requested the petitioner / plot owner to regularize the plots/houses in terms of GO Ms. No. 455 Revenue (UCII) Department dated 29.7.2002, as the Government has enhanced the rates by 100% w.e.f. 16.8.2005 vide GO Ms. No. 1376 Revenue (UCII) Department dated 14.7.2005.

Aggrieved of the said notice, the petitioner filed this writ petition, *inter alia* contending that he is a bona fide purchaser of the land and, therefore, the issuance of the said notice is illegal and is liable to be set aside.

What is impugned in this writ petition is a notice issued by the respondents directing the petitioner to get regularized his plot/ house purchased under the Government Orders issued from time to time. The Government declared the plot purchased by the petitioner as surplus land. Therefore, if the petitioner is aggrieved of the same, he should have approached the authority and explained to them as to how the said notice is capricious, instead of invoking extraordinary jurisdiction of this court under Article 226 of the Constitution. Having regard to these facts, I deem it appropriate to direct the petitioner to submit explanation within a period of two weeks from the date of receipt of a copy of this order. In the event the petitioner files such an explanation, the respondents are directed to pass appropriate orders thereon, in accordance with law, within a period of six weeks thereafter. Till such time, the respondents are directed not to take coercive steps.

With these directions, the writ petition stands disposed of. No order as to costs.

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18.08.2005

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